



## United States Department of the Interior

NATIONAL PARK SERVICE

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In Reply to:

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August, 1992

Special Directive 92-11    Annual Review

To:                    Directorate, Field Directorate, WASO Division Chiefs, and All Park Superintendents

From:                Director

Subject:             Special Resource Studies: Recommendations, Quality Standards, and Review Process

The Planning Process Guideline (NPS-2) last updated in 1982 outlines general procedures for the preparation of "new area studies." Several supplemental instructions on content and process for new area studies (also known as special resource studies) have been issued in the past 10 years. This directive is designed to consolidate the instructions and guidelines on studies, update procedures for making recommendations, and clarify other requirements to meet current needs.

In the past decade, the NPS study program has been largely reactive to directions from Congress. NPS requested funds for fiscal year 1993 to initiate its own priorities for study. As the Service moves forward with a more active study program, it is especially important that NPS studies reflect the highest possible professional standard of resource analysis. NPS studies must apply established criteria, evaluate reasonable alternatives, and provide a clear basis for making recommendations to the Department and the Congress in the legislative process. High-quality studies can help guide future growth of the National Park System in accordance with national priorities and sound planning principles. On the other hand, studies that fail to meet high standards can be used by advocates of questionable projects to "thin the blood" of the National Park System.

### Definitions and Scope

This directive applies to any study of a potential new area or major boundary adjustment to an existing unit of the National Park System. The term "special resource study" encompasses what has been called in the past "new area studies" and many other projects that begin as regional assessments, technical assistance programs, related lands studies, or suitability/feasibility studies specifically requested or directed by Congress.

The procedures outlined below apply to any study conducted by NPS that may result in action by Congress to authorize a new Park System unit, affiliated area, national heritage corridor, or major boundary expansion of an existing unit. These procedures are specifically intended to cover studies that may have significant implications for the NPS budget for acquisition, operations and construction. These procedures do not apply to projects or studies that only provide technical assistance to State or local governments and do not consider alternatives for NPS acquisition, management, operations, or continuing financial support apart from established grant programs such as the State portion of the Land and Water Conservation Fund, Historic Preservation Fund, Urban Park and Recreation Recovery Program, or River and Trail Conservation Assistance programs for example.

Studies addressing Wild and Scenic Rivers, National Trails System units, and Wilderness areas are conducted in accordance with specific legislative requirements for making recommendations. This directive does not change established procedures for such studies. Questions about what studies fall within the scope of this Directive should be answered by consultation with the Park Planning and Protection Division in the Washington Office.

Appendix A provides model outlines for three types or levels of special resource study:

1. Report: A brief summary of resource significance and any apparent issues related to suitability and feasibility. These reports are usually prepared to determine if the area merits further study by NPS or if other organizations may have an interest in the area. Site investigations and field trip reports provide data to assist in deciding if any further study or action is appropriate. They do not evaluate alternatives.

2. Reconnaissance Survey: A more detailed study to determine significance, and a preliminary evaluation of suitability, and feasibility. These studies apply established NPS criteria to determine eligibility as a unit of the National Park System and define the range of alternatives which should be considered. If the resource is not nationally significant, or obviously fails to meet other criteria, the study is concluded with an outline of options that do not involve establishment of a new NPS area. These options may include technical assistance from NPS or other agencies. If the area does meet established criteria the reconnaissance study will usually conclude with an estimate of the scope for a complete study of alternatives.

3. Suitability/Feasibility Alternatives Study: A thorough application of criteria for suitability and feasibility and an evaluation of alternatives. This includes an analysis of the advantages and disadvantages of establishing..a new NPS area and of other protection measures considering different designations, boundary configurations, objectives for resource management, and allocation of responsibility among agencies for carrying out the objectives. This alternatives phase usually begins after the resource has been determined to be of national significance. In some cases the reconnaissance survey and analysis of suitability, feasibility, and alternatives are combined as a single report.

Special Resource Studies will apply the criteria for significance in Chapter 2 of the 1988 NPS Management Policies. These criteria are repeated in the brochure entitled "Criteria for Parklands."

A preliminary statement of significance will be prepared early in the study process and forwarded to the Division of Park Planning and Protection in the Washington Office for informal review. Comments will be provided directly to the study team. For cultural resources, the nomination form to the National Register of Historic Places will usually provide the most appropriate format for a statement of significance. National Register Bulletins 15 and 16A provide detailed instructions for completing the forms and the evaluation of nationally significant properties. These forms are most likely to be useful for individual sites or clearly defined districts, but they may not be appropriate for broad regional resource assessments or for sites that clearly lack significant cultural resource values.

If resources are found to lack qualities of national significance, the study will end at the trip report or reconnaissance survey stage. Options for actions by others may be suggested, but alternatives for NPS management will not be developed for resources that fail to meet national significance criteria.

A more detailed explanation of the application of significance criteria and the review of draft significance Statements appears in a memorandum of July 19, 1989, attached as Appendix B.

### Suitability and Feasibility Criteria

Criteria for suitability and feasibility also appear In Chapter 2 of the NPS Management Policies and the Criteria for Parklands brochure. Suitability criteria consider if a type of resource is adequately represented in existing units of the National Park System or other protected areas. The suitability analysis should compare and contrast the study area with similar resources using the thematic categories defined In the publications History and Prehistory in the National Park System and National Historic Landmarks Program (1987), History in the National Park System and the National Natural Landmarks Program (1990), updates to these documents, or other references as necessary. Assertions that an area is adaptable or appropriate for park use are not an adequate analysis of suitability without a comparative analysis of other protected areas.

Feasibility criteria address size and configuration, considering natural systems and/or historic settings, and other factors necessary to ensure long-term protection and to accommodate public use. Of special concern in NPS studies is a realistic assessment of the potential for efficient administration at reasonable cost. In conjunction with

the factors listed in the Management Policies such as ownership, access, and threats to the resource, studies must consider the feasibility of the NPS budget absorbing costs for acquisition, development, and operations. Many projects that are technically possible to accomplish are not likely to be feasible in light of current budgetary constraints and other NPS priorities for operating existing units of the System. This is especially likely to be an issue where acquisition and development costs are high and the resource is likely to lose its significant values before acquisition by NPS or other protection action is possible. The question of budgetary feasibility usually will need to be addressed by management at the Regional and Washington levels rather than exclusively by the study team.

### Boundary Adjustment Criteria

Studies of boundary adjustments are usually accomplished through the General Management Planning Process. In some cases boundary studies are conducted independently as a special project, as a single issue GMP amendment, or in response to specific congressional direction. Boundary studies will apply criteria listed in the 1988 NPS Management Policies, Chapter 2:8. Supplemental guidance on boundary criteria dated December 1991 (attached as Appendix C) should be consulted in boundary studies. These criteria and guidelines on boundaries should also be considered in defining boundary concepts for alternatives studies.

Studies must outline a range of reasonable alternatives. These should include distinctly different concepts for how a resource will be managed and who will be responsible for the management. Studies should avoid simplistic formulations of alternatives in categories of "small, big, biggest," or "no action, State park, National Park".

Studies also should consider if the criteria for significance, suitability, and feasibility will be met under each of the alternatives considered. For example, a nationally significant resource may be suitable and feasible to manage as a park unit with one boundary concept, but not others. Similarly, reductions in the size of a boundary may make an alternative feasible, but fail to include some of the resources that make the area nationally significant. Studies should not assume that if a resource is significant, suitable, and feasible as a new NPS unit that all alternatives for management or boundaries meet those criteria.

### Recommendations

Studies finding that resources fail to meet established NPS criteria for parklands should clearly state this finding and encourage appropriate action by other agencies or organizations. No specific recommendation or selection of a preferred alternative is usually required.

Where studies find resources that are significant, suitable, and feasible, and proceed with an analysis of alternatives, a recommendation by the National Park Service will be needed. As outlined in the Planning Process Guideline, a recommendation should be made by the study team and the Regional Director in the memorandum transmitting the study to the Washington Office, but not in the text of the study. These recommendations will be considered by the Director in formulating a National Park Service recommendation to include as the study is transmitted to the Department and Office of Management and Budget. Letters transmitting the study to Congress will usually indicate the Administration's position. This process is intended to help separate the professional analysis of resource values from policy, management, and budgetary considerations at levels of the government beyond the National Park Service.

Draft and final studies should include a statement explaining the informational purpose of the study and the respective roles of the Park Service, Secretary, Administration, and Congress in making decisions about the alternatives. Appendix D is a model statement on this point.

### Policy Review and Public Involvement

Site Investigations and field trip reports may be prepared on the initiative of the Regional Director. Before any such Investigation or trip report is shared with the public or members of Congress it must be cleared by the Washington Office. This will usually take place by having a letter to the requester of the report cleared in the surnaming process by the Associate Director for Planning and Development and the Assistant Director for Legislative and

Congressional Affairs, in consultation with other Associate Directors, the Director, and the Department as needed.

Reconnaissance surveys and suitability/feasibility/alternatives studies are part of the Service's formal study program. These studies should not be initiated before a task directive has been forwarded to the Washington Office for policy review. The task directive should outline the range of issues to be addressed, alternatives to be considered, and a strategy for public involvement.

Newsletters, issue papers, concept booklets, and other documents may be important parts of a strategy for effectively involving the public in the study process. Current procedures for policy review by the Washington Office cover draft studies and plans, but do not necessarily extend to interim products for public involvement. Study teams have a responsibility to assure that documents such as newsletters released to the public are consistent with NPS policies and accurately reflect application of NPS criteria for parklands.

Some public involvement documents are limited to a description of study purpose, scope, schedule, and resources while others begin to make judgments about specific issues and alternatives. Public involvement documents likely to be interpreted as an expression of NPS recommendations or policy should be cleared by the Washington Office in cases where resource significance is in question, the level of controversy is high, or the project may involve substantial budgetary impacts. This clearance process will be accomplished by the Division of Park Planning and Protection, usually by telephone discussion rather than a lengthy formal review, but may require consultation with the Directorate.

Draft studies will not be released to the public or to Members of Congress prior to permission to print from the Washington Office. This permission to print will usually be confirmed by a Memorandum from the Associate Director, Planning and Development, after the Director has been briefed (or determined that a briefing is not required) on the study findings and the alternatives being considered. When a study is released for public review it must be clearly marked "DRAFT" and the cover should avoid elaborate graphics or the appearance of being a final, approved document.

Studies are usually finalized following public review and transmitted through the Department and the Office of Management and Budget to the appropriate congressional Committees. This review process outside of the National Park Service generally takes a minimum of 3 months and has in some cases extended to more than 2 years. Final versions of special resource studies should not be released to the public or Members of Congress before they have been officially transmitted to Congress by the Administration. Appendix E is a memorandum of June 8, 1990, outlining procedures for the Director's review of special resource studies and requirements for clearance of final reports.

The procedures for reviews and clearances by the Washington Office are designed to assure that information provided to the public is consistent with NPS policies. Study schedules must allow adequate time for these reviews, and study teams should be especially cautious about making commitments for releasing documents at a specific time that may be beyond their control. Reviews can be expedited and clearances granted by telephone in exceptional circumstances, but failure of the study team to adopt a reasonable schedule is not adequate justification for a departure from established procedures.

#### National Park System Advisory Board Reviews

The National Park System Advisory Board advises the Secretary of the Interior on a variety of issues related to management of the National Park System. The Advisory Board expects to resume playing a more active role in providing advice to the Secretary on proposals for new park authorizations and on the alternatives outlined in special resource studies. The Board normally meets twice each year and adopts resolutions based on recommendations by its committees. Advisory Board recommendations are expected to become a routine part of the package transmitting completed studies through the Department to Congress. Schedules for studies should allow for reviews by the Advisory Board, insofar as possible consistent with congressional or other deadlines. Additional guidance on how studies will be scheduled for presentation to the Advisory Board may be forthcoming after the Board's next meeting.

#### Environmental and Other Compliance

Special resource studies will be prepared in compliance with the requirements of the National Environmental Policy Act and other applicable laws, Executive orders, and regulations. Trip reports and reconnaissance studies that do not evaluate alternatives will usually be categorical exclusions from formal NEPA compliance requirements. Alternative studies will normally include an environmental assessment. In cases where the alternatives may have significant environmental impacts and there is a high level of controversy, or in cases where NPS intends to initiate a legislative proposal to implement one of the alternatives, an assessment may not be adequate and an Environmental Impact Statement may be the appropriate vehicle for compliance documentation. Further guidance on the appropriate level of compliance documentation will usually be provided during the Washington Office review of the task directive for the study.

The NEPA process provides a useful format for involving the public and evaluating the implications of alternatives for protection and management of resources. It should not require the collection of any additional data beyond what is needed to make reasonable decisions. Studies need data about wetlands, floodplains, threatened and endangered species, social and economic conditions, and cultural resources listed or eligible for listing on the National Register of Historic Places regardless of what format is used to document NEPA compliance. The NEPA compliance process can help assure that the requirements of Executive orders and legislation on these issues are adequately addressed. Special resource studies provide an opportunity for NPS to provide leadership in assessing environmental consequences without creating unnecessary procedural delays in completing the studies.

Executive Order 12630 requires Federal agencies to evaluate proposed actions for their potential to result in unanticipated takings under the Fifth Amendment of the Constitution. Studies or similar planning activities are excluded from the definition of Federal actions under this Executive order. However, studies that are transmitted to Congress with an Administration recommendation may not be exempt and in some cases will require a brief assessment of the potential liability for unanticipated takings of private property. A sample Takings Implication Assessment is attached as Appendix F.

#### Land Cost Estimates

Studies of potential new parks and boundary adjustments in existing NPS units should include an estimate of land acquisition cost that has been approved by the Chief of the Land Resources Division in the Washington Office. The Land Resources Division does not have authority to use Land and Water Conservation Fund monies to prepare such cost estimates for "new areas" or boundary changes where land acquisition is not currently authorized. Therefore, budgets for special resource studies and boundary studies must include funds to support the preparation of an approved cost estimate by the Land Resources Division. If an approved cost estimate is not available, studies should explain that such an estimate will be prepared in the future. No guesses by study teams of unapproved land cost data should be included in studies. Specific instructions on this point were provided by memorandum of July 23, 1990 (Appendix G).

## Special Resource Studies Model Outlines

### Background and Purpose

The National Park Service is asked each year to evaluate and study a variety of resources for eligibility as potential new units of the National Park System or other designations. The primary purposes of these special studies are to provide information on the quality and character of the resource, relationship to established NPS criteria, and options for protection or management. This information is used by the NPS in advising the public, local officials, and Members of Congress on what further studies or action might be most appropriate.

Each study must be conducted in a way that fits the type of resources, local concerns, and public interests in a specific site. However, since these studies are used by the Regional and Washington Offices in responding to inquiries from Congress and others, some consistency in content and format is desirable. The following outlines have been developed to assist study teams in organizing their reports. These outlines can and should be adapted as necessary to fit each situation. However, they should also be considered as a checklist of information that is likely to be needed before a study can be released to the public or used by NPS in taking a position on proposals for further study or a new unit authorization.

### Study Types

NPS-2 and other guidelines have traditionally recognized two types of studies related to potential new units: reconnaissance surveys and alternatives studies. Congress and the public also often request "suitability" or "feasibility" studies, although what is actually asked for under these titles does not necessarily correspond to how these terms are used in NPS policies and criteria. For example, requests for a "suitability" study often are designed to answer questions about resource significance, feasibility for NPS management, and alternatives.

While the "formal" study process and procedures usually require a substantial commitment of staff and funds, NPS also is often asked, directed, or agrees to conduct a "quick and dirty" study within available funds. Regardless of the "title" each of these studies should address similar issues, with the distinction between types being the level of staff effort and detailed analysis. To establish a reasonably standard base of reference and terminology, the following three types of studies should be recognized:

#### I. Site Investigation / Field Trip Report

**Purpose:** To inspect a site and collect very general information about the character and quality of the resource, its apparent significance, and issues related to potential for further study.

**Study Team and Scope:** The site investigation should be conducted by 1 or 2 individuals in no more than 5 days. It is essentially a trip report that can be prepared by a Regional staff person or someone from a nearby NPS unit.

**Issues to be addressed:**

-What is the apparent level of resource significance?

-What are the current and potential uses of the area?

-Are there any obvious issues or concerns related to how this type of area is currently represented in the National Park System or feasibility for NPS management?

-What are the general options for further study and protection?

Process and Use of Reports: A site inspection can be initiated independently by the Regional Office or at the request of the Washington Office. Where a field inspection is in response to a public or congressional request, the results will usually be summarized in or attached to a letter to the requester. Otherwise, the results of the site investigation should be kept on file in the Region and Washington Office as background for future information, especially to support nomination of the site for further study. No formal public involvement or policy review or approval is required, but consultation with the public and subject experts in the Washington Office is appropriate as necessary. WASO clearance (through the letter surmounting process) is usually required before a trip report is shared with a Member of Congress or the public.

## II. Reconnaissance Survey

Purpose: To provide a formal evaluation of resource significance, consider criteria for suitability and feasibility, and identify reasonable options for further action.

Study Team and Scope: Reconnaissance surveys are a formal part of the NPS study program, prepared by an interdisciplinary team including one or more specialists in the type of resource being studied. For a single site or structure the study may take as little as 60 days; for a larger area or system up to a year.

Issues to be Addressed:

- What is the level of significance based on a comparative analysis of similar resource types?
- What are the current and potential uses of the area and surrounding lands, considering potential impacts on resource qualities.
- What are the themes and subthemes that characterize the area? What, if any, other NPS units represent the same themes?
- Are there any potential concerns about feasibility for NPS management based on 'size, configuration, ownerships, costs, etc.
- What alternatives should be considered for management and protection by others?

Process and Use of Reports: Reconnaissance surveys should be part of an annual program determined by "priority ranking factors" applied by the Washington Office to nominations submitted by the Regional Offices. Draft studies are prepared in consultation with local officials and the public as appropriate. Studies are circulated for policy review in Washington, and the final report forwarded to Congress. The results of the study will usually be a determination of significance and a basis for support or opposition to further analysis of suitability, feasibility, and management alternatives.

## III. Suitability/Feasibility/Alternatives Study

Purpose: To provide a complete analysis of criteria for suitability and feasibility and a detailed evaluation of alternatives for management and protection of the resource.

Study Team and Scope: Alternatives studies consider different boundary configurations as well as management responsibilities and designations. The study is conducted by an interdisciplinary team, usually involves extensive consultation with the public, and is reviewed at the Regional and Washington levels for consistency with NPS policies. The emphasis is on analysis of data rather than simply reporting on resource character and quality. The study may take from 6 months to 2 years depending on the size and complexity of the area.

Issues to be addressed:

- Has the resource been determined to be of national significance based on NPS criteria?
- What are the current and potential uses of the area and surrounding lands? What are the likely impacts of these uses on the resource?
- Is the resource suitable for inclusion in the National Park System considering how it compares with other National

Park System units or areas comparably protected by others?

-Is management of the area by NPS feasible considering the projected costs for acquisition, development, operation, and management under various boundary configurations?

-What are the other documented or potential problems of feasibility for NPS management including size, configuration, access, ownerships, hazardous waste, etc.

-What are the likely environmental and other consequences of various alternatives for protection and management?

Process and Use of Reports: Alternatives studies are usually initiated only after a reconnaissance study has found that the area meets criteria for national significance. In some cases the reconnaissance survey and study of suitability/feasibility/alternatives may be combined in a single document. The study is programmed as part of the Servicewide priority system and conducted by an interdisciplinary team including staff qualified to develop cost estimates for development and land acquisition. Studies are usually conducted with public involvement, including opportunities for formal comment on draft reports. Task Directives and draft reports are also forwarded for policy review in the Washington Office. Final studies are forwarded to Congress through the Department and are considered for inclusion in the Department's legislative program and may be used to support the NPS position on legislation introduced by others.



## Model Outline

### Site Inspection/ Field Trip Report

Note: At the site inspection level, most of these points or questions would be answered in no more than a few sentences.

#### 1. Resource Description

##### A. Location (City, County, Congressional Districts)

- Maps showing site and regional context

##### B. Current uses and ownership

- general summary of current uses (agriculture, residential, etc.)
- approximate number of owners and types of ownership (individuals, corporate, other Federal agencies)

##### C. Resource Type (See History and Natural History Thematic Frameworks)

- Natural Resources
- Cultural Resources
- Recreational Resources

#### 2. Resource Quality

##### A. Current Status

- listing on the National Register of Historic Places
- recognition in previous studies
- formal designations as National Historic or Natural Landmark
- nominations pending

##### B. Rarity

- any similar types of resources in National Park System? (yes/no)
- any similar types protected by others? (yes/no/maybe)

##### C. Diversity

- natural/cultural/recreation opportunities
- different types of natural, cultural, or recreation resources

##### D. Public Use/Interpretive Potential

- potential for public use (high, medium, low)
- potential for interpretation based on the resource (good, poor)

##### E. Special initiatives and considerations

- importance of site to minority groups
- relationship to other administration initiatives for wetlands, metropolitan areas, Civil War Battlefields, environmental education, Native Americans, etc.

#### 3. Resource Integrity/Risks

##### A. Potential for changes that would impact resources

- imminent threats
- longer range trends

#### B. Obvious Obstacles to Protection

- costs for acquisition, development, operation (high, moderate, low?)
- mineral interests, water rights, other issues (likely a problem?)
- size and configuration for management
- access, staff, development requirements (some obstacles, none?)
- hazardous waste potential (high, none, maybe?)

#### C. Public Interest and Support

- Known or likely positions of landowners, neighbors, State and local officials, and congressional delegation.

#### 4. Options for further Study and Protection

##### A. Technical assistance projects

B. Other Federal agency lead for study as potential wildlife refuge, marine sanctuary, other special designations for Federal lands.

##### C. State or local programs

##### D. NPS reconnaissance and management alternatives study

## Reconnaissance Survey

### Model Outline

#### i. Document summary

- resources considered
- basic findings
- next steps

#### I. Resource Description

##### A. Location (City, County, Congressional Districts)

- Maps showing site, study boundary, regional context

##### B. Current Land Uses and Ownership

- summary of current uses
- number of owners, and types of ownership (individuals, corporate, other Federal agencies)

##### C. Resource Type

- Natural Resource types, as defined by Natural History Thematic framework
- Cultural Resource types as defined by History Thematic framework
- Recreational resources

#### II. Resource Significance

##### A. Current Status

- listing on the National Register of Historic Places
- recognition in previous studies
- formal designations as National Historic or Natural Landmark
- State Heritage programs
- nominations pending

##### B. Evaluation of Significance

- outstanding example of resource type? Why?
- exceptional values for interpretation? Why?
- superlative opportunities for use, enjoyment or scientific study
- retains integrity as a true, accurate, and relatively unspoiled example of resource type

##### C. Special initiatives and considerations

- importance of site .to minority groups,.relationship to other administration initiatives for wetlands, Civil War battlefields, metropolitan areas, environmental education, Native Americans, etc.

#### III Preliminary Evaluation of Suitability and Feasibility

##### A. Rarity of this type of resource

- similar resources currently in the National Park System (list)
- similar resources protected by others (list)

##### B. Feasibility for Protection

- costs for acquisition (high/moderate/low)
- mineral interests, water rights, grazing, other issues

- size and configuration for management
- access, staff, development requirements
- hazardous waste potential

#### C. Trends, Current Plans, Threats

##### 1. Plans and objectives of current owners

- short term 1-3 years
- longer term 3-5 years and beyond

##### 2. Status in plans of other agencies

- local land use plans and regulations
- State, county parks
- local land trusts
- other Federal land managing agencies: FWS, FS, BLM,
- Federal regulatory agencies: EPA, Corps of Engineers etc.

#### D. Public Interest and Support

- Known or likely positions of landowners, neighbors, State and local officials, and Congressional delegation.

#### IV. Options for further Study and Protection

##### A. Technical assistance projects

##### B. Other Federal agency lead for study as potential wildlife refuge, marine sanctuary, other special designations for federal lands.

##### C. State or local programs

##### D. NPS study of management alternatives (include rough cost estimate)

Appendix: Copies of legislation, committee directives; study team members,etc.

## Suitability/Feasibility/Alternatives Study

### Model Outline

#### I. Executive Summary (1 page)

- resource description
- current and potential uses
- significance, suitability, and feasibility
- alternatives considered

#### II. Resource Description

(Summarize, update, or expand Reconnaissance Survey as appropriate)

##### A. Location (City, County, Congressional Districts)

- Maps showing site, study boundary, regional context

##### B. Current land uses and ownership

- current uses of land and resources
- number of owners, and types of ownership (individuals, corporate, other Federal agencies)

##### C. Resource Type

- Natural resource types, as defined by Natural History Theme framework
- Cultural resource types as defined by History Theme framework
- Recreational resources

#### III. Resource Significance

(Repeat and confirm statement of significance from Reconnaissance Survey)

##### A. Current Status

- listing on National Register of Historic Places
- recognition in previous studies
- formal designations as National Historic or Natural Landmarks
- State Heritage Programs and other Federal designations
- nominations pending

##### B. Evaluation of Significance--Comparative Analysis

- outstanding example of resource type? (Why?)
- exceptional values for interpretation? (Why?)
- superlative opportunities for use, enjoyment or scientific study?
- retains integrity as a true, accurate, and relatively unspoiled example of resource type?

##### C. Special initiatives and considerations

- relationship to administration initiatives for wetlands, Civil War battlefields, metropolitan areas, education, minority groups, Native Americans ,etc.

#### IV. Suitability and Feasibility

##### A. Suitability

1. Compare and contrast study, area with similar -types of resources currently represented in the

## National Park System

2. Compare with similar resource types already being protected and open for public enjoyment by other Federal, State, local, and private entities.

### B. Detailed analysis of feasibility considering:

- size and configuration,
- access and development issues
- ownership patterns
- mineral rights, grazing rights, outstanding leases, etc.
- land value trends and acquisition costs
- conflicting plans of other agencies
- hazardous waste sites, known or potential
- imminent threats to resources

### C. Public Interest and Support

- Positions of landowners, neighbors, State and local officials, and congressional delegation.

## V. Alternatives for Management

### A. State, local, or private initiatives

- technical assistance programs

### B. Other Federal agency programs and management options

- wildlife refuges, marine sanctuaries, area of critical environmental concern, wilderness designation etc.

### C. Cooperative/Interagency approaches

- partnerships

### D. Affiliated Area Status

- NPS roles in oversight and administration

### E. Authorization of a new NPS unit

- different boundary configurations
- different protection and management strategies

### F. No action

- continuation of existing uses and trends

## VI. Assessment of Alternatives and Impacts

### A. Impacts on Natural Resources

- air
- water quality
- wetlands and floodplains
- wildlife
- threatened/endangered species
- scenic values

B. Impacts on Cultural Resources

- historic structures
- archeological sites
- cultural landscapes
- traditional use areas
- ethnographic resources

C. Impacts on the Community

- recreation opportunities
- local and regional economy
- landowners
- resource users
- community institutions

D. Analysis of costs, advantages and disadvantages of each alternative

(This analysis should be in the format of an environmental assessment.)

E. Summary of public and agency comments on draft study.

Appendix

A. Legislation, committee directives, and other documents related to study authorization.

B. List of study team members and consultants



## APPENDIX B



**United States Department of the Interior**  
**NATIONAL PARK SERVICE**  
**P.O. BOX 37127**  
**WASHINGTON, D.C. 20013-7127**

D18 (763)

July 19, 1989

### Memorandum

To: Regional Directors Manager, Denver Service Center

From: Director

Subject: National Significance Determinations in Special Resource Studies

This memorandum is intended to clarify the policies and procedures for evaluating resource significance in special resource studies for potential additions to the National Park System.

### Background

The NPS Management Policies adopted in 1988 include a list of criteria for additions to the National Park System. The first criterion is national significance, and the management policies explain what factors are considered in determining significance in the context of studies of potential new parks.

The term national significance also has special importance in the National Historic Landmark (NHL) program and the National Natural Landmark (NNL) program. The criteria used to determine eligibility as a NHL are almost identical to those outlined in the NPS management policies. The NNL program has adopted more refined criteria that cover the same issues, but use different terminology. The landmark programs also follow different procedures with respect to review by the National Park System Advisory Board prior to a designation by the Secretary of the Interior. Studies of potential new park units are reviewed within the Service and then usually forwarded to Congress for a decision on what further action will be taken.

NPS is being asked to conduct an increasing number of special studies to determine if resources are eligible for favorable consideration as units of the National Park System. Determinations of national significance in these studies need to be based on consistent applications of policy and procedures.

### Policy

Studies of potential additions to the National Park System will apply the criteria for national significance outlined in the 1988 Management Policies. The reconnaissance phase of a special study will collect basic information about the resource and determine if it meets the established criteria for national significance. Significance determinations require an objective analysis of the resource, comparing and contrasting the study area with similar areas. This comparison will be based primarily on the natural and historic theme studies that have been completed for the National Historic Landmark program and the National Natural Landmark program.

Studies of potential new park units should apply the same principles of comparative analysis used in evaluating National Historic Landmarks and National Natural Landmarks. For example, guidelines for NNL nominations call for a brief assessment of at least three similar sites to document the relative quality of the area proposed for designation.



Where possible, special resource studies initiated after June 1, 1989, should use the forms and procedures for NHL and NNL nominations to document national significance. Studies of potential new parks frequently address broader geographic areas or combinations of resources than studies for NNL and NHL designations. Procedures for notification of landowners that apply to landmark studies also may not be practical or appropriate in special studies for potential new park units. Congressional deadlines, funding constraints, and the scope of the project will be considered in determining how closely a special resource study can follow the procedures established for the NNL and NHL programs.

Areas that have been designated as NHL's or NNL's have been determined to be nationally significant and require no further analysis of significance if being studied for potential addition to the National Park System. However, areas under consideration as a new park unit may extend beyond the boundaries of designated landmarks and thus may require significance evaluations for other resources or combinations of resources. After a resource has been determined to be nationally significant further study may be appropriate to evaluate suitability, feasibility, and management alternatives.

Please take special note that the National Register of Historic Places provides for listing of resources with local, State, or national significance. For purposes of the National Register, these levels of significance are based on the recommendations of the State Historic Preservation Officer or other nominating officials. A resource listed in the National Register as nationally significant therefore reflects a recommendation, not a determination by the National Park Service. Most resources listed in the National Register as "nationally significant" are not expected to meet standards of significance for designation as a National Historic Landmark or unit of the National Park System.

NPS has not established a thematic framework for evaluating the significance of recreation resources independently from their natural or historic settings. Significance of recreation resources will be determined by a comparative analysis of the study area considering other similar resources, recreation needs, and established inventories of rivers, trails, open space, and other opportunities in the Nation.

#### Procedure and Responsibilities

A draft evaluation of resource significance should be prepared as early as possible in the study process to surface any differences of opinion before the study proceeds to more detailed analysis of alternatives. The draft significance statement should be reviewed by the appropriate specialist in the Region and forwarded for review by professional staff in the Washington Office. WASO review of the draft significance evaluation will be coordinated by the Division of Planning and Park Protection, but will rely primarily on the Wildlife and Vegetation Division, History Division, and Recreation Resources Division.

Comments on a draft significance statement will be provided directly to the study team by phone or memorandum. Formal WASO review will take place when a complete draft study report is forwarded for policy review.

Early review of the significance statement will help guide the direction of the study. If a resource is found to lack qualities of national significance, the study will conclude at the reconnaissance phase, or briefly outline alternatives for protection that do not involve NPS management. For resources that do meet criteria for significance, the study may proceed with an analysis of suitability, feasibility, and management alternatives including boundary options and NPS operation as a unit of the National Park System.

We recognize that some studies underway in FY 1989 have already progressed beyond the point of preparing significance statements. Studies underway should continue in accordance with the approved task directives. However, the procedures outlined above generally reaffirm procedures that NPS has been following for many years and should be followed for all future studies. Any questions, comments, or concerns about these procedures should be directed to the Division of Planning and Park Protection.

APPENDIX C

NATIONAL PARK SERVICE  
CRITERIA FOR BOUNDARY ADJUSTMENTS  
SUPPLEMENT TO PLANNING PROCESS GUIDELINE (NPS-2)  
DECEMBER, 1991

Division of Park Planning and Protection  
National Park Service  
Room 3230, Interior Department  
Washington, D.C. 20013-7127

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NATIONAL PARK SERVICE  
CRITERIA FOR BOUNDARY ADJUSTMENTS  
SUPPLEMENT TO THE PLANNING PROCESS GUIDELINE (NPS-2)

Background

In September, 1989, legislation was introduced in the House of Representatives to authorize the National Park Service to conduct a systematic and comprehensive review of boundaries of units of the National Park System. H.R. 3383 was reported favorably by the House Committee on Interior and Insular Affairs in 1990, but with a strong dissent from some committee members. Although the bill as reported by the Committee was not passed by the House, a substantially narrower substitute addressing this issue was included in the Arizona Desert Wilderness Act adopted in the final days of the 101st Congress.

Public Law 101-628, Section 1216, directs the Secretary of the Interior to develop criteria to evaluate any proposed changes to the existing boundaries of individual park units. These criteria are to include:

- (a) analysis of whether the existing boundary provides for the adequate protection and preservation of the natural, historic, cultural, scenic and recreational resources integral to the unit;
- (b) an evaluation of each parcel proposed for addition or deletion based on this analysis: and
- (c) an assessment of the impact of potential boundary adjustments taking into consideration the factors listed above as well as the effect of the adjustments on the local communities and surrounding areas.

Section 1217 provides that in proposing any boundary change after the date of enactment (November 28, 1990), the Secretary shall

- (a) consult with affected agencies of State and local governments, surrounding communities, affected landowners and private national, regional, and local organizations;
- (b) apply the criteria developed pursuant to section 1216 and accompany the proposal with a statement reflecting the results of the application of such criteria;
- (c) include an estimate of the cost of acquisition of any parcels proposed for acquisition together with the basis for the estimate and a statement on the relative priority for the acquisition of each parcel within the priorities for other lands in the unit and the National Park System.

Current Program

Public Law 95-625, the National Parks and Recreation Act, requires the preparation and timely revision of General Management Plans for each unit of the National Park System. Section 604 of that act outlines several requirements for General Management Plans including measures for the protection of the area's resources and "indications of potential modifications to the external boundaries of the unit and the reasons therefor." National Park Service Management Policies adopted in 1988 reaffirm this legislative directive and list five conditions or reasons as criteria for when NPS may recommend boundary revisions:

\*to include significant resources or opportunities for public enjoyment related to purposes of the park

\*to address operational and management issues such as access and boundary identification by topographic or other natural features or roads

Recommendations to expand park boundaries will be preceded by determinations that

- \*the added lands will be feasible to administer considering size, configuration, ownership, costs, and other factors

- \*other alternatives for management and resource protection are not adequate.

These criteria are currently being applied by the National Park Service as it develops and updates General Management Plans. In some cases special boundary studies are undertaken as a “single issue amendment to an existing General Management Plan or as an independent project. In any case, the criteria outlined in existing NPS management policies are applied in the planning or study process.

After a careful review of existing criteria, policies, and planning processes,. NPS has determined that the current criteria for boundary adjustments contained in the 1988 Management Policies meet most of the requirements of Public Law 101-628. Specifically, Sections 1216 (a), (b) and (c) and 1217 (a) and (b) call for procedures that are already part of the established planning process. Section 1217 (c) .requires a statement on priorities that is not part of current procedures but that can easily be incorporated into NPS plans and studies.

Although existing criteria are considered adequate and appropriate in addressing boundary issues, additional guidance on how these criteria should be interpreted and applied may be useful. The following discussion does not change the basic criteria that were published in the 1988 Management Policies after extensive public review and comment. I~ does, however, offer more detailed information to assist NPS planners in using the criteria in General Management Plans and related studies, and to help the public understand how the criteria are applied. This interpretation of existing criteria has been developed to be a supplement to the NPS planning process guideline (NPS-2) and will be integrated into the guideline when it is next updated.

NPS plans and studies addressing boundary issues usually focus on the potential for additions, but they should take a comprehensive approach to adjustments including deletions as well as additions. Deletions from existing boundaries may be recommended under current guidelines and the directions provided by Public Law 101-628. The following discussion primarily addresses conditions where a boundary addition may be appropriate, but the criteria or examples below also may apply conversely to potential deletions from authorized boundaries.

#### 1. Significant resources or opportunities for public enjoyment related to purposes of the park.

This criterion addresses areas or resources that are “integral” to the existing park unit and are needed to fully carry out the purposes of the park as established by Congress. It focuses on resources that were omitted from the original park boundary inadvertently or intentionally. Inadvertent omissions may be due to limited data about the location or importance of resources when the original boundary was drawn, lines being drawn for mapping convenience rather than to correspond to resources, or technical errors in mapping. Resources also may have been omitted from a park boundary intentionally to reduce initial acquisition costs, accommodate landowner preferences, or avoid conflicts with plans of other agencies. A boundary adjustment may be appropriate where the conditions that led to the omission have changed.

In applying this criterion, several definitions and related points should be considered:

- a. The definition of “significance” in the context of boundary adjustments concerns the relationship of the study area to the resources within the park. It is not necessarily the same standard of significance that would be applied in evaluating an area for the establishment of a new park unit. To be eligible for favorable consideration under this criterion, a potential boundary adjustment does not have to independently meet criteria for “national significance.” It should, however, be very important as a part of the other resources that contribute to or define purposes of the park. To be considered “important,” a potential addition must have a substantial relationship to resources within the park and should enhance or elaborate on those

resources rather than simply duplicate them. For example, archeological sites in the Southwest often extend over hundreds of square miles both within and outside of park boundaries. Adding a recently discovered site to an existing park could be justified if it is closely related culturally or from the same time period as those the park was established to protect and does not duplicate resources that are adequately represented in the park.

Decisions about adequacy of representation should consider the need for some redundancy to assure protection of the resource. For example, protection of one endangered plant population or type of fragile archeological site may not be adequate to prevent total loss from fire or other catastrophe. Some duplication of resources is often necessary and appropriate, especially where they are a type that is threatened or endangered.

A resource that independently has national significance also may be present outside existing park boundaries and appropriate for a boundary adjustment if it is substantially related to the purposes of the park. A nationally significant resource that is unrelated to the reason the park was established also could be the subject of a boundary adjustment recommendation based on the most efficient management arrangement, but this would require legislation expanding the definition of park purposes. For example, an historic home from the 1920's might be independently eligible to become a new NPS unit, but adding it to a revolutionary war battlefield would be more efficient for administrative purposes. Such an addition would require an expanded statement of purpose for the battlefield including protection of the more contemporary home.

For historic and prehistoric resources, guidance on the question of significance and relationship to the park can be provided by the nomination and review process for the National Register of Historic Places.

b. In defining park purposes, consideration should first be given to the provisions of legislation (including legislative history) or presidential proclamation establishing the park. However, these sources may not provide very clear or complete statements of intent. Consideration also should be given to how NPS is interpreting and implementing the definition of park purposes through the park's management objectives usually found in the General Management Plan, Statement for Management, Resources Management Plan and other planning documents.

Purposes of the park also may extend beyond those itemized in an original authorizing act or proclamation. The Antiquities Act, the National Park Service Organic Act of 1916, Historic Sites Act of 1935, Wilderness Act of 1964, National Historic Preservation Act, and Endangered Species Act are examples of additional legislation that may effectively expand the purposes of the park. However, in applying this criterion to a potential boundary adjustment, the phrase "related to park purposes" should be interpreted to focus on the basic reasons the park was established. For example, the boundary of a park established specifically to protect a Civil War battlefield might be adjusted to include the site of important battle action, but a prehistoric archeological site would probably not be an appropriate addition to the park under this criterion.

c. Opportunity for public enjoyment is an additional basis for boundary adjustment that does not necessarily depend on significance of the resources. A potential boundary adjustment does not need to have significant resources and significant opportunities for public enjoyment. Some very important resources may have limited or no capacity for public access. For example, a sensitive natural area or important archeological site may be recommended as a boundary addition on the basis of its value for research even if it is not appropriate for public use. On the other hand, if opportunities for public enjoyment are the reason for a boundary adjustment, these opportunities should be important and have a substantial relationship to purposes of the park. Boundary changes to encompass trails, overlooks, interpretive sites, or attractive areas for camping are examples of what could fit within this criterion if they are substantially related to park purposes.

## 2. Address operational and management issues such as access and boundary identification by topographic or other natural features or roads.

This criterion addresses lands needed for operational purposes and the advantages of having park boundaries correspond to natural and man-made features that are readily identifiable in the field. Many

park boundaries are drawn along section lines or property ownerships that do not correspond to rivers, watersheds, ridges, roads, canyon rims, and similar features that can facilitate cost-effective administration of the park for both law enforcement and resource management responsibilities. Points to consider in applying this criterion include:

- a. Operational and management issues involve both park administration and visitor use. Boundary changes to facilitate access for law enforcement, emergency services, or visitor use may be appropriate where current boundary lines make certain parts of the park inaccessible without crossing private ownerships or physical barriers such as rivers and canyons. Some areas within current park boundaries also might be appropriate for deletion or transfer to other ownerships if they do not contain valuable resources, are not needed for public or administrative use, and management is a burden on park operations.
- b. Application of this criterion may reveal conflicts between the definition of boundaries based on natural features and other considerations. Sound realty practices may encourage the use of straight lines for survey purposes and may discourage the severing of single ownerships. Natural features desirable for boundary identification on the ground may not correspond to ownerships or straight lines. These potential conflicts need to be recognized and resolved with attention to the relative costs and benefits of different boundary configurations. Boundaries between NPS units and other Federal agencies also may involve some administrative considerations different from boundaries separating Federal from private lands. For example, cooperative management agreements for law enforcement that may be possible with another Federal agency would probably not be practical with private owners.
- c. Boundary adjustments to include areas needed for employee housing, offices, and other administrative or public use facilities also may fit under the definition in this criterion. In some cases, an adjustment could be appropriate to add land for development of facilities that are to be relocated from sensitive resource areas within the existing park boundary.

Boundary adjustments for this and other purposes are not necessarily limited to additions contiguous to existing boundaries. Although having a single park boundary is desirable for administrative purposes, detached units also may be appropriate where important resources or sites needed for administrative use are not contiguous. The establishment of a detached unit may be desirable where the 'area to be added is an appropriate size and configuration to allow for administration without being attached to the rest of the park. The values of resources between the detached unit and the rest of the park are also an important factor to consider. For example, if the intervening areas do not contain important resources, or are already developed in ways incompatible with the park, a detached unit may be preferable to a continuous boundary. Detached sites also may be most efficient for employee administrative offices, employee housing, or maintenance facilities that are not desirable to have immediately adjacent to the park. The advantages of creating a detached unit must be balanced with the potential costs of administration and operations.

### 3. To protect park resources critical to fulfilling the park's purposes

This criterion concerns adjustments to prevent harm caused by activities on adjacent lands where these activities pose a direct and substantial threat to the continued existence of the park's primary resources and values. These "adjacent" lands may be connected to the park by natural systems or historic associations even if not immediately contiguous. In contrast to criterion 1 which deals with things left out of the park, this criterion addresses boundary changes that are essentially to protect resources within the park.

Park managers have a responsibility to monitor conditions on surrounding lands and be proactive. In working with local officials or other land managers to encourage uses that are compatible with purposes of the park. Boundary adjustments to address external threats to park resources should be considered a last resort when cooperative efforts have been fully explored and found to be inadequate. Park boundaries cannot and should not expand indefinitely to address problems that originate in whole or in part outside of the park. NPS policies support cooperation to address these "external" impacts but specifically do endorse the creation of "buffer zones" where NPS will attempt to exercise some direct control or veto authority over adjacent land uses.

In applying this criterion, the following points should be considered:

- a. The need for protection must be clearly defined and the threat must be fully documented. Concerns about the general trend of changing land uses around the park are not sufficient justification for a boundary change. Approved plans for commercial development that would block an important scenic vista or documented evidence of how ground water

pumping or other water diversions are drying up springs within a park and adversely impacting endangered wildlife populations may be sufficient reasons to suggest a boundary change. While threats must be documented, consideration also must be given to the need to take appropriate action before the resource has been lost, or the costs of protection become prohibitively high.

b. “Critical to fulfilling the park’s purpose” should be interpreted to focus on the resources that were the reason for the park being established! For purposes of this criterion, park purposes should be defined by the specific resources referenced in authorizing legislation, subsequent amendments, and related planning documents interpreting park purposes. This definition requires a somewhat subjective judgment about thresholds of threats from adjacent land uses, especially as they may have impacts on the quality of the visitor-experience rather than direct physical impacts on resources within the park. In many areas, some changes in the character and quality of the park’s setting are inevitable as land uses change over time. While these may somewhat diminish the quality of visitor experience, they do not usually fall within the scope of “critical” to park purposes. On the other hand, development of adjacent lands might substantially change the historic setting of a battlefield that is essential for interpreting its importance, or modify shoreline processes that would in turn destroy natural features or historic structures that the park was established to protect. Where efforts to mitigate the impacts of such development by working with State, local, or other regulatory programs are inadequate, a boundary adjustment may be appropriate as a last resort to defend park resources.

Protection of wildlife habitat, migratory routes, and related corridors is an important but especially complex and sensitive issue in considering potential boundary adjustments. Habitat loss and fragmentation are a significant threat to the wildlife populations in many parks. Without efforts to protect the natural diversity of plant and animal species, critical park resources may be damaged or lost. However, because wildlife populations may have habitat requirements or migratory patterns that extend over vast areas, boundary adjustments to protect these resources are likely to be seriously limited by feasibility considerations. Plans should consider these regional natural resource issues with special attention to opportunities for addressing them in cooperation with other landowners and managers as an alternative to expanding park boundaries.

The first three criteria focus on the quality and character of the resources within or adjacent to the current park boundary. Boundary adjustments may be appropriate for any one of these conditions; all three do not have to be satisfied. However, both of the next two criteria would have to be satisfied before NPS would recommend a boundary adjustment.

#### 4. The added lands will be feasible to administer considering size, configuration, ownerships, costs, and other factors.

This criterion requires an assessment of the practical ability of NPS to manage and operate the revised park boundary. Current staff and park facilities are an important consideration, but may not be an absolute constraint on feasibility to the extent that changes in personnel allocations and funding can reasonably be anticipated in the future. Additional points to consider include:

a. In evaluating size, configuration and ownerships, feasibility of a potential boundary adjustment would depend on the ability of NPS to acquire appropriate interests and manage the land. Size needs to be considered in relation to the rest of the park and the surrounding area rather than any absolute number of acres. Configuration most often relates to natural features such as watersheds or ridgelines, but also may consider potential problems of conflicting uses. For example, a long narrow corridor may not be feasible to manage as a park unit due to incompatible adjacent uses or requirements for utility crossings that would damage park values. The costs of surveying, marking, fencing, and patrolling a boundary need to be considered in evaluating feasibility. Unusually complex ownership patterns, outstanding mineral interests, and owner unwillingness to cooperate or sell land also may be obstacles to the feasibility of a boundary adjustment. Plans addressing these issues should consider how cooperation with land trusts or other agencies may overcome some of these obstacles.

b. Cost is also a relative factor that needs to balance benefits to the park with the costs for both acquisition and management. Land currently occupied by high rise condominiums may have important natural or recreational values that could be restored if the buildings were removed, but in such a case the cost of acquisition and restoration would probably make such an action infeasible. Areas suspected or likely to be contaminated with hazardous waste, or where mineral deposits are known to be very valuable are additional examples of situations where cost may be an obstacle to the feasibility of a boundary adjustment.

The issue of cost also must be considered with a long term view of park resources and values. Parks are established to protect resources for the benefit of future generations. Recent experience in several units has revealed that land excluded



from a park boundary at one time because it was “too expensive” may be added to the park later in response to immediate development pressures when the cost for acquisition has escalated dramatically. Similarly, the expense of protecting a natural area critical to survival of park wildlife may be much less before development takes place than trying to restore the area after the all trees have been cleared or houses built.

#### 5. Other alternatives for management and resource protection are not adequate.

This criterion recognizes the roles of other Federal, State, and local agencies and the private sector as partners in the protection of park resources. Boundary expansions justifiable under any of the previous criteria would not be recommended if alternatives are adequate to protect resources and make them available for public enjoyment consistent with NPS standards.

a. Alternatives may include action by State or local governments and other Federal agencies to use their regulatory or acquisition authorities to manage and control land use changes. Specific examples include local zoning, State and Federal regulations limiting the dredging and filling of wetlands, or private sector initiatives such as acquisition of fee or easements by non-profit organizations for conservation purposes. For land managed by other Federal agencies, plans specifying management objectives compatible with park purposes may be adequate independently or in conjunction with special designations of wilderness, areas of critical environmental concern, etc. The agency’s ability to manage and enforce these special designations must be considered in determining if these alternatives are adequate.

Although management of certain lands by another neighboring agency may be consistent with park purposes, considerations of administrative efficiency may support addition to a park. For example, where a small parcel of land under the jurisdiction of BLM is adjacent to a NPS unit but far away from other BLM areas, addition to the park could help reduce costs for management.

b. The adequacy of alternatives requires an assessment of the quality of protection provided and the potential for change over time. While local plans and zoning ordinances might call for the retention of land in agricultural use compatible with the park, a jurisdiction’s experience with frequent changes in zoning could lead to a finding that the protection is not adequate. Conversely, alternatives may not currently be available but commitments by other agencies to adopt special designations or apply regulations within a reasonable period of time may lead to a finding, that a NPS boundary adjustment is not necessary.

#### Applying the Criteria

The Secretary of the Interior has certain authorities to make minor boundary adjustments in existing park units (16 USC 4601-9 and individual park authorizing acts). These authorities generally require consultation with local elected officials, notice to Congressional committees, and publication of revised maps in the Federal Register. The criteria outlined above are intended to address situations that would require action by Congress rather than the minor adjustments that can be accomplished administratively.

The requirements of Section 1216 in applying these criteria are currently a regular part of the NPS planning process:

1. An analysis of whether existing park boundaries provide adequate protection is an integral part of General Management Planning as outlined in the Planning Process Guideline (NPS-2). Boundary issues also are considered in resource management plans, land protection plans, and other plans or special studies.

2. Evaluations of each parcel proposed for addition or deletion also are part of the established NPS planning process. In this context, the term “parcel” is usually considered to mean each area under consideration. This may include land in one ownership or several ownerships with roughly similar resource values and characteristics.

3. The assessment of impacts on local communities and surrounding areas also is accomplished within the NPS planning process, and is documented in the preparation of environmental assessments or impact statements as outlined in the NEPA Guideline (NPS-12.)

4. Section 1217 calls for consultation with affected agencies of State and local governments, surrounding communities, landowners, and national, regional and local organizations. This requirement is routinely accomplished through opportunities for public involvement in the planning process that may include newsletters, public workshops and meetings,

formal opportunities for comment on draft plans, and individual consultations with interested individuals or organizations. NPS guidelines and procedures also include detailed requirements for consultations with State Historic Preservation Officers pursuant to Sections 106 and 110 of the National Historic Preservation Act, with Tribal governments and Native Americans, and with other interested organizations. No additional requirements or guidelines beyond what appears in the current NPS-2, NPS-12, and related Management Policies are considered necessary to address this point.

5. Section 1217(c) requires an estimate of acquisition costs, a basis for the estimate, and a statement on relative priorities within the park as well as priorities in relation to other lands to be acquired for the National Park System.

Cost estimates, including an explanation of each estimate's basis, are a regular part of any proposal for boundary adjustment. Priorities are generally established in land protection plans (LPP's) after land is authorized for acquisition. To meet the requirements of this section, a boundary adjustment proposal will include a general statement on priorities of the potential addition in the same type of categories used in the park's land protection plan, or categories would be defined for parks where no LPP has been prepared.

The Administration's Numerical Federal Land Acquisition Priority Ranking System is not now applied to land proposed for a boundary adjustment until it is authorized for acquisition. A statement on relative priority within the National Park System in categories of high, medium,, or low, can be prepared considering resource values, threats, ability to obligate funds, and other factors. Although this statement is not currently a regular part of NPS studies or plans, it will be included in future boundary proposals. Such estimates will usually be developed by the Washington Office in consultation with NPS Regional Offices.

#### Boundary Criteria Task Force

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History Division  
Visitor Services  
Antietam National Battlefield  
Southeast Region  
Interagency Resources  
Denver Service Center  
Shenandoah National Park  
Ranger Activities  
Rocky Mountain Region

## APPENDIX D

Sample statement to explain purpose of a special resource study:

This study has been prepared in response to the requirements of (cite specific authorization for study or the General Authorities Act of 1970, as amended by Public Law 94-458.) The study has been prepared to provide Congress with information about the quality and condition of the resources and their relationship to criteria for parklands applied by the National Park Service. Recommendations to Congress regarding implementation of the ideas and alternatives in this type of study are usually forwarded by the National Park Service to the Secretary of the Interior, and the Secretary's recommendations are then forwarded to Congress after review within the Executive Branch.

APPENDIX E



**United States Department of the Interior**  
**National Park Service**  
**P.O. Box 37127**  
**Washington, D.C. 20013-7127**

8 June 1990

L58 (773)

Memorandum

To: Directorate and Field Directorate

From: Director

Subject: Reestablishment of Director's Review of Special Resource Studies

Recently I have become increasingly interested in the criteria for both studying potential new areas as well as adding new units to the National Park System. Likewise, I have become increasingly concerned with those instances in which I must testify on legislation:

- (1) before planning has been finished, or
- (2) before I have had an opportunity to review and decide the merits and implications of study reports.

To that end, I am reestablishing, effective immediately, a procedure that will allow me to become involved with these studies earlier on in the process.

Specifically, after a draft study report is submitted for Washington Office policy review, the comments will be compiled by the Planning Division. Then, a briefing and discussion will be set up by the appropriate Regional Director and staff before I give the Regional Director clearance to print the draft document for public review. This will give me the opportunity to review and discuss the resources that were evaluated in the study, the professional recommendations regarding national significance, suitability, feasibility, and management alternatives. This also gives staff the opportunity to bring me up to date on the level of public and congressional involvement.

I would also like to remind you that the final versions of any special resource studies are not to be released to the public or to Members of Congress or their staff before the studies have been officially transmitted by the Administration to the appropriate committees of Congress.

With the reestablishment of this procedure, I believe that we will refine the process of preparing, reviewing, and approving special resource studies. This will also provide for a smooth transition into how the special resource studies are implemented if legislation is introduced and passed.

## Appendix F

### Takings Implication Analysis Congaree Swamp National Monument General Management Plan

Public Law 94—545 16 U.S.C. S 431 note (1987), passed in 1976 established Congaree Swamp National Monument and directed that a general management plan be developed and transmitted to Congress. In 1988 Congress expanded the boundaries of the monument and designated some areas as wilderness. Public Law 100—524, October 24, 1988. The purpose of the GMP is to identify:

- 1) the lands and interests in lands adjacent or related to the monument that are deemed necessary or desirable for the purposes of the act, and the estimated cost thereof. (This purpose was subsequently preempted by the congressional action in 1988 to expand the boundaries of the monument. The plan was amended to reflect the expanded congressionally authorized acquisition.)
- 2) the number of visitors and types of public use within the monument which can be accommodated in accordance with the protection of resources; and
- 3) the location and estimated cost of facilities deemed necessary to accommodate such visitors and uses.

Congaree Swamp National Monument General Management Plan, December 1988, pg. 1.

#### Assessment of Takings Implications

Executive Order 12630 is aimed at insuring that government actions are evaluated in light of the Fifth Amendment which provides “private property [shall not] be taken for public use, without just compensation.” There are two types of takings identified in the A.G. Guidelines that should be reviewed in relation to the Congaree Swamp Monument General Management Plan. The first is a potential taking by physical intrusion and the second is a possible regulatory taking.

##### 1. Taking by Physical Intrusion.

The GMP does contemplate land acquisitions that will be accomplished by either acquisition from a consenting owner, which is a categorical exemption from the Executive Order under the A.G. Supplemental Guidelines or by the legitimate exercise of the power of eminent domain, which is specifically exempted under the A.G. Guidelines for Implementing Executive Order 12630. Land acquisition as proposed in the GMP, therefore, does not require a taking’s analysis.

##### 2. Regulatory Taking

Regulation which effects the value, use, or transfer of property may constitute a taking if it goes too far. (Attorney General Guidelines, page 13.) The GMP contemplates no regulations but does list several instances in which there will be “coordination with State, other Federal, local, and private entities.” The Executive Order specifically excludes communications between Federal agencies or departments and State or local land-use planning agencies regarding planned or proposed State or local actions. The GMP proscribes no specific Federal actions that would lead to a taking, and the GMP itself offers no appearance of takings implications. In the course of “coordination” prospective Federal actions could require further analysis, but none are apparent on the face of the plan.

Based on the above assessment, this action does not pose significant takings implications.

## APPENDIX G

L14 (773)

JUL 23, 1990

### Memorandum

To: Regional Directors  
Manager, Denver Service Center  
Attn: Chiefs of Planning

From: Associate Director, Planning and Development

Subject: Land Cost Estimates for Special Resource Studies, Boundary Studies, and other Plans

This is a reminder that studies of potential new parks, boundary adjustments in existing parks, and other planning documents should contain estimates of land costs only if those estimates have been cleared by the Chief of the Land Resources Division. Guesses and unsupported statements about land costs may create significant problems for the Service in future discussions with Congress as well as potential negotiations with land owners.

The Federal portion of the Land and Water Conservation Fund can only be used for acquisition and related expenses in currently authorized areas. Cost estimates for potential new parks or boundary expansions in units where acquisition is not currently authorized require funds from sources other than the Land and Water Conservation Fund. Accordingly, your budget for boundary or special resource studies and other plans that require land cost estimates should include funds for this specific purpose.

As the task directive for each study or planning project is being developed, you should consult with the Land Resources Division to determine the price for preparation of an approved land cost estimate. If for some reason an approved cost estimate cannot be included in the study, the study should be silent on the question of land costs and explain that a detailed cost estimate will be prepared prior to consideration of legislation to authorize the acquisition in question.

Further discussion about content, scope, range of alternatives, compliance documentation, and other procedures for boundary and special~ resource studies is being scheduled for our regional planning chiefs meeting in October. We appreciate your cooperation in producing these studies within tight constraints on time and money while requirements have been evolving over the past several years.

Denis P. Galvin

Memorandum

To: Regional Directors  
Manager, Denver Service Center

From: Associate Director, Planning and Development Associate Director, Cultural Resources

Subject: Special Resource Studies and Findings of National Significance for Cultural Resources

Special Directive 92-11 provides general guidance on the determinations of national significance in special resource studies. This directive includes a memorandum dated July 19, 1989, outlining policies and procedures to assure coordination between planning teams and program managers responsible for national natural landmarks, national historic landmarks, and recreation programs.

Based on experience with studies during the past several years, we have found the need for some improvements in the application of significance criteria in the evaluation of cultural resources. The purpose of this memorandum is to clarify roles and responsibilities of the planning program and the National Historic Landmarks Program in determining significance of cultural resources that are being considered in special resource studies. Our objective is to enhance cooperation between the staffs of these program areas and assure the consistent application of established criteria for significance. This is especially important for studies that are to be presented to the National Park System Advisory Board.

The National Historic Landmark nomination and review process is the National Park Service's established method for confirming that cultural resources meet criteria for national significance. Because studies of potential new parks often address natural and recreational values as well as cultural resources, the NHL nomination process is not the only basis for determining significance. Special resource studies also often address large areas with multiple resource values while the landmark program tends to focus on individual sites, structures, and districts. Nevertheless, teams conducting special resource studies involving cultural resources need to coordinate their findings with established criteria, policies, and procedures for landmark designations.

To accomplish this coordination, the Associate Director for Planning and Development, working through the Chief, Park Planning and Protection, will:

1. At the beginning of each fiscal year provide the Chief Historian with a list of the special resource studies scheduled for funding along with estimated dates for completion and presentation to the National Park System Advisory Board.
2. Identify key contacts for each study team including team captains and regional office coordinators.
3. For studies that involve cultural resources, assure that preliminary statements of significance are forwarded for review by the History Division as early as possible in the study process. These preliminary statements of significance should be prepared using guidance of published bulletins on how to prepare narrative sections of the NHL nomination forms, and advice of the History Division.
4. Where there is agreement among the History Division, Park Planning Division, and study team that a cultural resource under study appears to meet national significance criteria, assure that a NHL nomination form will be prepared by or for the study team with assistance of the History Division, WASO.
5. Assure that Draft NHL nomination forms will be forwarded for review by the History Division early in the study process to enable a determination to be made before the study is ready for presentation to the National Park System Advisory Board.
6. Treat the NHL nomination process as an element of the special resource study and include the required steps to complete nominations in the study scope of work as outlined in the task directive and related schedules. Incidental support costs for travel of subject matter experts and consultants may be included as part of the study project cost.
7. Request that regional offices provide cultural resource specialists to assist in significance evaluations and preparation of

landmark nomination forms.

The Associate Director, Cultural Resources, acting through the Chief Historian, agrees to:

1. Review task directives for special resource studies and provide timely comments on significance issues.
2. Give high priority to providing detailed comments and suggestions on preliminary significance statements.
3. Where studies are addressing cultural resources that may meet national significance criteria, initiate direct contacts with the study team to provide guidance on NHL nomination procedures and standards.
4. Advise and assist study teams in the preparation of NHL nomination forms for resources that appear to meet established criteria. Subject to the availability of funds, prepare nomination forms in cooperation with the study team.
5. Give high priority to conducting thematic and similar context studies for types of resources that are most frequently the subject of special resource studies.
6. Program time for presentations about NHL nominations related to special resource studies for the History Areas committee of the National Park System Advisory Board.
7. Provide timely advice on significance issues prior to completion of the entire NHL process if necessary to meet legislative reporting requirements or similar commitments by the Director and the Department.